

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUAN PACHECO, ROCIO JARQUIN,
AND JORGE GONZALEZ-DELGADO

Case No. 1:09-cv-298

Plaintiffs,

vs.

Honorable Robert Holmes Bell
United States District Judge

BOAR'S HEAD PROVISIONS CO.,
INC., a Florida corporation,

Honorable Joseph G. Scoville
United States Magistrate Judge

Defendant.

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**STIPULATION AND ORDER EXTENDING TIME TO FILE BRIEFS REGARDING
PLAINTIFFS' MOTION TO CERTIFY FLSA REPRESENTATIVE ACTION**

Plaintiffs and Defendant, by their respective attorneys, hereby stipulate and agree to extend the deadline for the parties to file their briefs regarding Plaintiffs' Motion to Certify Fair Labor Standards Act Representative Action by two days, from August 24, 2009 to August 26, 2009. In support of this Stipulation and Proposed Order, the parties state as follows:

1. This action was originally filed on March 27, 2009. On June 5, 2009, Plaintiffs filed their Motion to Certify Fair Labor Standards Act Representative Action and to Authorize Notice to the Class (Dkt No. 14), seeking to certify this action as a collective action.

2. Pursuant to this Court's Briefing Schedule date June 11, 2009 (Dkt No. 23), and Memorandum Opinion and Order dated June 30, 2009 (Dkt No. 34), the parties had until August 3, 2009 to complete discovery on the collective action issue, and until Monday, August 24, 2009 to submit briefs on the same issue. Reply briefs may be filed in accordance with the local rules (Dkt No. 34 at 3), so 14 days later. A hearing is scheduled on Plaintiffs' collective action motion for September 11, 2009.

3. Since issuance of the Court's orders regarding discovery and briefing of the collective action issue, the parties have engaged in good faith efforts to exchange written discovery and schedule depositions. To date, the parties have exchanged well-over 10,000 pages of documents, responded to interrogatories and requests for admissions, and taken -- or at least begun -- the depositions of all named and opt-in Plaintiffs. The parties have also briefed and appeared before Magistrate Judge Scoville on a discovery dispute. However, due to scheduling issues on the part of both the parties and the attorneys, the parties will not be able to take the deposition of Defendant Boar's Head pursuant to Fed. R. Civ. P. 30(b)(6) until Wednesday, August 20, 2009, and will not be able to complete the depositions of opt-in Plaintiffs Antonio Lopez and Ramiro Ruiz until the next day, Thursday, August 21, 2009.

4. Due to the fact that transcripts from the 30(b)(6) deposition of Boar's Head and the depositions of opt-ins Lopez and Ruiz will likely not be available in time to include them in the parties' briefs due Monday, August 24, and because of the scheduling of three depositions in the final days before the briefs are due, the parties request a short, two-day extension of time to file their briefs on the collective action issue. Providing the parties two additional days, until

August 26, 2009, to file their briefs should ensure that the necessary deposition transcripts are available and that the parties have adequate time to fully brief the issues.

5. A short two-day extension should not affect the September 11, 2009 hearing. Pursuant to W.D. Mich. Local Rule 7.2(c), reply briefs will be due 14 days later, by September 9, two days prior to the hearing.

Accordingly, the parties respectfully stipulate to and request that the Court provide them until August 26, 2009 to submit briefs regarding Plaintiffs' collective action motion.

Respectfully submitted,

Date: August 18, 2009

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IT IS SO ORDERED.

Dated: _____, 2009

Honorable Robert Holmes Bell
United States District Judge